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January 28, 2021

Via ECF
Hon. Jesse M. Furman
United States District Court Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Application GRANTED. The Clerk of Court is directed
to terminate Doc. #345. SO ORDERED.

Re: *United States v Arguedas (Jacob Padin)*
20 Cr. 135 (JMF)

January 29, 2021

Dear Judge Furman:

Your Honor ordered the temporary release of Jacob Padin on April 8, 2020, because of the threat that COVID-19 posed to his health at the jail. Mr. Padin has sought and obtained seven extensions of his temporary release since then and currently seeks an extension until February 29, 2021, because of the ongoing pandemic in our country, and the resurgence of the virus in this area, together with his severe, chronic asthma and other medical conditions that required recent shoulder surgery and ongoing therapy, as well lower back issues he is attending to that might also require surgery.

Our country continues to face unprecedented challenges from the coronavirus pandemic, with the number of cases across the country continuing to rise, and the number of cases in our area dramatically resurging. There were 1,164,050 new cases in the United States in total last week.¹ January has now become the worst month for US COVID-19 deaths since the start of the pandemic, topping the previous record set in December by more than a thousand with 79,000

¹ https://covid.cdc.gov/covid-data-tracker/#cases_casesinlast7days (Accessed January 27, 2021)

fatalities.”² Moreover, our area in particular continues to experience a resurgence of the virus, with 11,040 new cases reported yesterday, and in the last week an average of 12,859 cases per day.³

The federal jails are also experiencing difficulties with containing the virus. For example, both MCC and MDC have had recent outbreaks of COVID-19; MDC currently has 59 and Fort Dix currently has 64 positive inmates with the virus.⁴ In our prisons across the country, by Jan. 19 there have been 355,957 reported cases of COVID-19, and 2,232 prisoner deaths in total.⁵ The virus, unfortunately, is far from subsiding.

As noted above, Mr. Padin has severe asthma, is recovering from shoulder surgery, and continues to have several doctors’ appointments scheduled in the near future to determine issues he has had with his lower back. He has an appointment scheduled for February 3, 2021 with a doctor to see if he will require lower back surgery.

Because of the pandemic and his surgery, and in light of his severe asthma, and other ailments, Mr. Padin respectfully requests that Your Honor extend his temporary release until February 29, 2021. Mr. Padin’s Pretrial Service Officer Bernisa Mejia takes no position on his request and defers to Your Honor’s decision but reports Mr. Padin is in full compliance with his release conditions. Andrew Chan, AUSA, responded that “The Government continues to oppose the defendant’s temporary release for the reasons previously entered on the record, but we are not aware of any changed circumstances since the last extension of temporary release. Additionally, the Government notes that the distribution of the COVID-19 vaccine has begun in the United States and the BOP, although it is unclear when the defendant will be eligible to receive the vaccine.”

Your Honor’s time and consideration of this request is greatly appreciated.

Respectfully submitted,
s/
Lorraine Gauli-Rufo
Attorney for *Jacobb Padin*

cc: Andrew Chan, AUSA
Danielle Sassoon, AUSA
Bernisa Mejia, PTSO (*via email*)

²<https://abc7ny.com/health/january-becomes-deadliest-month-for-covid-in-us/10059414/> (Accessed January 27, 2021)

³ <https://www.nytimes.com/interactive/2020/us/new-york-coronavirus-cases.html> (Accessed January 27, 2021)

⁴ Bop.gov (Accessed January 27, 2021)

⁵ <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons> (Accessed January 27, 2021)